

1 AN ACT in relation to background checks.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, and Locksmith Act of 1993 is amended by changing
6 Section 30 as follows:

7 (225 ILCS 446/30)

8 Sec. 30. Exemptions.

9 (a) This Act does not apply to:

10 (1) An officer or employee of the United States,
11 this State, or any political subdivision of either while
12 the officer or employee is engaged in the performance of
13 his or her official duties within the course and scope of
14 his or her employment with the United States, this State,
15 or any political subdivision of either. However, any
16 person who offers his or her services as a private
17 detective or private security contractor, or any title
18 when similar services are performed for compensation,
19 fee, or other valuable consideration, whether received
20 directly or indirectly, is subject to this Act and its
21 licensing requirements.

22 (2) An attorney-at-law licensed to practice in
23 Illinois while engaging in the practice of law.

24 (3) A person engaged exclusively in the business of
25 obtaining and furnishing information as to the financial
26 rating or credit worthiness of persons; and a person who
27 provides consumer reports in connection with:

28 (i) Credit transactions involving the consumer
29 on whom the information is to be furnished and
30 involving the extensions of credit to the consumer.

31 (ii) Information for employment purposes.

1 (iii) Information for the underwriting of
2 insurance involving the consumer.

3 (4) Insurance adjusters legally employed or under
4 contract as adjusters and who engage in no other
5 investigative activities other than those directly
6 connected with adjustment of claims against an insurance
7 company or self-insured by which they are employed or
8 with which they have a contract. No insurance adjuster
9 or company may utilize the term "investigation" or any
10 derivative thereof in its company name or in its
11 advertising other than for the handling of insurance
12 claims.

13 For the purposes of this Code, "insurance adjuster"
14 includes any person expressly authorized to act on behalf
15 of an insurance company or self-insured and any employee
16 thereof who acts or appears to act on behalf of the
17 insurance company or self-insured in matters relating to
18 claims, including but not limited to independent
19 contractors while performing claim services at the
20 direction of the company.

21 (5) A person engaged exclusively and employed by a
22 person, firm, association, or corporation in the business
23 of transporting persons or property in interstate
24 commerce and making an investigation related to the
25 business of that employer.

26 (6) Any person, watchman, or guard employed
27 exclusively and regularly by one employer in connection
28 with the affairs of that employer only and there exists
29 an employer/employee relationship.

30 (7) Any law enforcement officer, as defined in the
31 Illinois Police Training Act, who has successfully
32 completed the requirements of basic law enforcement and
33 firearms training as prescribed by the Illinois Law
34 Enforcement Training Standards Board, employed by an

1 employer in connection with the affairs of that employer,
2 provided he or she is exclusively employed by the
3 employer during the hours or times he or she is scheduled
4 to work for that employer, and there exists an employer
5 and employee relationship.

6 In this subsection an "employee" is a person who is
7 employed by an employer who has the right to control and
8 direct the employee who performs the services in
9 question, not only as to the result to be accomplished by
10 the work, but also as to the details and means by which
11 the result is to be accomplished; and an "employer" is
12 any person or entity, with the exception of a private
13 detective, private detective agency, private security
14 contractor, private security contractor agency, private
15 alarm contractor, or private alarm contractor agency,
16 whose purpose it is to hire persons to perform the
17 business of a private detective, private detective
18 agency, private security contractor, private security
19 contractor agency, private alarm contractor, or private
20 alarm contractor agency.

21 (8) A person who sells burglar alarm systems and
22 does not install, monitor, maintain, alter, repair,
23 service, or respond to burglar alarm systems at protected
24 premises or premises to be protected, provided:

25 (i) The burglar alarm systems are
26 approved either by Underwriters Laboratories or
27 another authoritative source recognized by the
28 Department and are identified by a federally
29 registered trademark.

30 (ii) The owner of the trademark has
31 expressly authorized the person to sell the
32 trademark owner's products, and the person
33 provides proof of this authorization upon the
34 request of the Department.

1 (iii) The owner of the trademark
2 maintains, and provides upon the Department's
3 request, a certificate evidencing insurance for
4 bodily injury or property damage arising from
5 faulty or defective products in an amount not
6 less than \$1,000,000 combined single limit;
7 provided that the policy of insurance need not
8 relate exclusively to burglar alarm systems.

9 (9) A person who sells, installs, maintains, or
10 repairs automobile alarm systems.

11 (9-5) A person, firm, or corporation engaged solely
12 and exclusively in tracing and compiling lineage or
13 ancestry.

14 (10) A person employed as either an armed or
15 unarmed security guard at a nuclear energy, storage,
16 weapons or development site or facility regulated by the
17 Nuclear Regulatory Commission who has completed the
18 background screening and training mandated by the rules
19 and regulations of the Nuclear Regulatory Commission.

20 (b) Nothing in this Act prohibits any of the following:

21 (A) Servicing, installing, repairing, or rebuilding
22 automotive locks by automotive service dealers, as long
23 as they do not hold themselves out to the public as
24 locksmiths.

25 (B) Police, fire, or other municipal employees from
26 opening a lock in an emergency situation, as long as they
27 do not hold themselves out to the public as locksmiths.

28 (C) Any merchant or retail or hardware store from
29 duplicating keys, from installing, servicing, repairing,
30 rebuilding, reprogramming, or maintaining electronic
31 garage door devices or from selling locks or similar
32 security accessories not prohibited from sale by the
33 State of Illinois, as long as they do not hold themselves
34 out to the public as locksmiths.

1 (D) The installation or removal of complete locks
2 or locking devices by members of the building trades when
3 doing so in the course of residential or commercial new
4 construction or remodeling, as long as they do not hold
5 themselves out to the public as locksmiths.

6 (E) The employees of towing services, reposseors,
7 or auto clubs from opening automotive locks in the normal
8 course of their duties, as long as they do not hold
9 themselves out to the public as locksmiths. Additionally,
10 this Act shall not prohibit employees of towing services
11 from opening motor vehicle locks to enable a vehicle to
12 be moved without towing, provided that the towing service
13 does not hold itself out to the public, by yellow page
14 advertisement, through a sign at the facilities of the
15 towing service, or by any other advertisement, as a
16 locksmith.

17 (F) The practice of locksmithing by students in the
18 course of study in programs approved by the Department,
19 provided that the students do not hold themselves out to
20 the public as locksmiths.

21 (G) Servicing, installing, repairing, or rebuilding
22 locks by a lock manufacturer or anyone employed by a lock
23 manufacturer, as long as they do not hold themselves out
24 to the public as locksmiths.

25 (H) The provision of any of the products or
26 services in the practice of locksmithing as identified in
27 Section 5 of this Act by a business licensed by the State
28 of Illinois as a private alarm contractor or private
29 alarm contractor agency, as long as the principal purpose
30 of the services provided to a customer is not the
31 practice of locksmithing and the business does not hold
32 itself out to the public as a locksmith agency.

33 (I) Any maintenance employee of a property
34 management company at a multi-family residential building

1 from servicing, installing, repairing, or opening locks
2 for tenants as long as the maintenance employee does not
3 hold himself or herself out to the public as a locksmith.

4 (J) A person, firm, or corporation from engaging in
5 fire protection engineering, including the design,
6 testing, and inspection of fire protection systems.

7 (K) The practice of professional engineering as
8 defined in the Professional Engineering Practice Act of
9 1989.

10 (L) The practice of structural engineering as
11 defined in the Structural Engineering Practice Act of
12 1989.

13 (M) The practice of architecture as defined in the
14 Illinois Architecture Practice Act of 1989.

15 (N) The activities of persons or firms licensed
16 under the Illinois Public Accounting Act if performed in
17 the course of their professional practice.

18 (O) The performance of criminal background checks
19 by a person, firm, or corporation that does not engage in
20 any other conduct regulated by this Act.

21 (c) This Act does not prohibit any persons legally
22 regulated in this State under any other Act from engaging in
23 the practice for which they are licensed, provided that they
24 do not represent themselves by any title prohibited by this
25 Act.

26 (Source: P.A. 90-436, eff. 1-1-98; 90-633, eff. 7-24-98;
27 91-91, eff. 1-1-00; 91-287, eff. 1-1-00; revised 10-7-99.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.